

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CERVECERIA MODELO DE MEXICO, S. de R.L. de C.V.,

USDC SDNY
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Plaintiff,

-against-

21-cv-1317 (LAK)

C.B. BRAND STRATEGIES, L.L.C., et al.,

Defendants.

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ORDER

LEWIS A. KAPLAN, *District Judge*.

Plaintiff has moved for summary judgment on liability. Defendants have moved for summary judgment dismissing the third amended complaint and filed two motions to exclude the expert opinions, reports and testimony of three experts put forward by plaintiff. Plaintiff has filed a letter motion to stay the briefing on the motions to exclude, which otherwise would be due on Friday of this week. It asserts that it does not rely in any material way on the experts in support of or in opposition to the summary judgment motions and that there would be little point in briefing the motions to exclude unless and until it is clear that there will be a trial in this case. Defendants counter that plaintiff in fact has cited to the expert reports in its summary judgment motion papers.

Taking into account the parties' respective positions, the defendants' motions to exclude the expert material (Dkt 164, Dkt 167) both are denied without prejudice to renewal on the existing papers at a time after the summary judgment motions are decided that is agreeable to the parties or fixed by the Court. Plaintiff's letter motion to stay the briefing (Dkt 202) is denied as moot.

SO ORDERED.

Dated: August 17, 2022

/s/ Lewis A. Kaplan

Lewis A. Kaplan
United States District Judge